



*Individuals enhancing the health and quality of life
through the suppression of mosquitoes, other vectors
and pests of public health importance.*

A Partner in the EPA's Pesticide Environmental Stewardship Program



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February 1, 2018

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Biological Opinion for Pesticides: Chlorpyrifos, Diazinon, and Malathion
issued by the National Marine Fisheries Service on December 29, 2017

Dear Administrator Pruitt:

The American Mosquito Control Association (AMCA) requests your assistance in a matter of great importance to our members, particularly those involved in trying to control mosquito-borne diseases such as the Zika virus, West Nile virus and others.

The AMCA is a not-for-profit professional association of approximately 1700 public health officials, academicians, county trustee/commissioners and mosquito control professionals dedicated to providing leadership, information and education leading to the enhancement of health and quality of life through the suppression of mosquito and other vector transmitted diseases and the reduction of annoyance levels caused by mosquitoes and other vectors and pests of public health importance. This is accomplished, in part, through the use of duly registered public health pesticides.

As a public health association with a great interest in the safe and effective use of pesticides, including the organophosphates (OPs) malathion and chlorpyrifos, the AMCA recognizes the risk assessment (RA) process as a critical element in identifying, evaluating, and mitigating potential hazards to humans and the environment from federally registered pesticides. In order that this process best fulfill these crucial tasks, risk assessments must be based upon sound data, realistic assumptions, and verifiable modeling.

At this time, area-wide adult mosquito control can only be performed with two classes of pesticides: OPs and pyrethrin/pyrethroids. To be effective in carrying out their mission, vector control personnel must have multiple products available reflecting a variety of chemistries. This assists in helping to address the range of potential pests and habitats and, equally important, for resistance management.

On December 29, 2017, the National Marine Fisheries Service (NMFS) finalized its Biological Opinion for Pesticides: Chlorpyrifos, Diazinon, and Malathion. It did so

American Mosquito Control Association
1120 Route 73, Suite 200, Mount Laurel, NJ 08054
Phone: 856-439-9222 • Fax: 856-439-0525 • E-mail: amca@mosquito.org • www.mosquito.org

despite recognizing the lack of opportunity for review and comment on the draft Biological Opinion by interested stakeholders including but not limited to AMCA members before it was finalized. In fact, in summarizing the issuance of the Biological Opinion, NMFS acknowledged that:

[C]oncerns raised by EPA, FWS, and stakeholders regarding a variety of technical and methodological issues that will require lengthier and more intensive inter-agency collaborative work to address. Getting more time would have also allowed NMFS to engage with the public and stakeholders on a draft biological opinion prior to issuance of a final biological opinion, as originally planned and as recommended by the National Academies of Sciences. Unfortunately, NMFS did not receive the requested extension and was required to transmit the biological opinion which, given the time, cannot fully account for the need to coordinate on a different process for developing such opinions or to fully engage the public....Although NMFS has been required to issue this biological opinion sooner than desired, NMFS remains committed to working with EPA and FWS to improve the ESA section 7 consultation process.

AMCA's initial review with the Biological Opinion establishes that there are very significant and substantial flaws within it, which could have been identified for NMFS if a public comment period had been authorized for the draft. AMCA is assembling our substantive comments on the Biological Opinion and will be submitting them in due course. However, in the interim, the December 29, 2017 Biological Opinion remains in effect, including the flawed findings contained therein. Those findings jeopardize the continued availability of these products for control of adult mosquitoes seeking blood meals, and therefore will have potential adverse impacts on the health and welfare of our nation's citizens.

In AMCA's view, because of the regulatory consequences that they entail, it is critically important that Biological Opinions are science-based and substantively correct. Those standards have not been met with this Biological Opinion issued by NMFS. We are requesting your support for requesting NMFS to withdraw its Biological Opinion and seek public comment on it. We appreciate the difficulty of such action. However, without your involvement, it will be left to your agency to implement this substantially flawed and harmful Biological Opinion.

Thank you for your consideration of this request.

Sincerely,



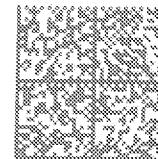
Wayne Gale
President, AMCA

American Mosquito Control Association
1120 Route 73, Suite 200, Mount Laurel, NJ 08054
Phone: 856-439-9222 • Fax: 856-439-0525 • E-mail: amca@mosquito.org • www.mosquito.org

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McDermott Will & Emery LLP
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Administrator
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1200 Pennsylvania Avenue, NW
Washington, DC 20460



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